

Karen Ericson

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1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 CASE No. 07 CV 3219 (LTS)
5 - - - - -x
6 GMA ACCESORIES, INC.,
7 Plaintiff,
8 -against-
9 CHARLOTTE SOLNICKI, CHARLOTTE B, LLC, EMINENT,
10 INC., SAKS FIFTH AVENUE, INC., INTERMIX, INC.,
11 WINK NYC INC., LISA KLINE, INC., GIRLSHOP,
12 INC., SHOWROOM SEVEN STUDIOS, INC., ELECTRIC
13 WONDERLAND, INC., SHOWROOM SEVEN INT'L,
14 SHOWROOM SEVEN, JONATHAN SINGER, GOSI
15 ENTERPRISES, LTD., TIERNEY DIRECT, LLC, and
16 JONATHAN SOLNICKI, CHARLOTTE SOLNICKI, et al.,
17
18 Defendants. **COPY**
19 - - - - -x

20
21 DEPOSITION OF KAREN ERICSON
22 New York, New York
23 May 22, 2008
24
25

26 REPORTED BY:
27 DANIELLE GRANT
28 JOB NO. 203307

1 KAREN ERICSON

2 A 10001.

3 Q How long have you been at that
4 address?

5 A Since April.

6 Q Of this year?

7 A Um-hmm.

8 Q What address was Showroom Seven
9 before that?

10 A 498 Seventh Avenue.

11 Q City and zip code?

12 A New York City, New York, 10018.

13 Q How long was Showroom Seven at that
14 address?

15 A Twelve years, maybe, I'm not sure.

16 Q What is your position?

17 A I'm a manager.

18 Q Do you know who the president is or
19 the vice president?

20 A John Mark.

21 Q John Mark Flack?

22 A Yes.

23 Q What is his title?

24 A President.

25 Q Do you know who the vice president

1 KAREN ERICSON

2 is?

3 A No.

4 Q Are there any other officers besides
5 him that you know of?

6 A Mandy Ericson.

7 Q Is she related to you?

8 A My daughter.

9 Q What's her position?

10 A I'm not sure.

11 Q Any other officers besides those
12 two?

13 A I'm don't think so.

14 Q Were you ever an officer?

15 A Yes.

16 Q When did you cease being an officer?

17 A I don't remember.

18 Q Within the last five years?

19 A Yeah, I would think so.

20 Q Before or after 2004?

21 A I don't remember.

22 Q Before or after 2002?

23 A I don't remember.

24 Q What why did you cease being an
25 officer?

1 KAREN ERICSON

2 A My mom was sick and I was going to
3 go back to Michigan to help take care of her.

4 Q What position did you have before
5 you ceased being --

6 A Vice president.

7 Q How long were you vice president?

8 A I'm not good with that kind of
9 stuff, I don't remember.

10 Q Were there any other officers
11 besides the three individuals you named?

12 A I don't remember.

13 Q At any time?

14 A I don't remember.

15 Q When did Mandy become vice
16 president?

17 A When I was going to go take care of
18 my mother.

19 Q I'm going to show you the subpoena?

20 MR. BOSTANY: We can mark as

21 Exhibit A, please.

22 (Document was marked as Ericson

23 Exhibit A for identification, as of
24 this date.)

25 Q That is a subpoena signed by United

KAREN ERICSON

invoices.

Q Meaning, that there are --

A Random.

Q Random holes, that you did not get
copies of the invoices?

A Correct.

Q Isn't it possible that the spaces
you see on the spreadsheet that are blank is
merchandise that Charlotte Solnicki never, in
fact, shipped to the store?

A You don't really know, could be,
maybe.

Q And then how would your company be
paid?

A We get paid a commission on each
sale.

Q What commission, what percentage?

A I'm not exactly sure.

Q Who knows that?

A Probably the accounting department.

Q How are you paid? Is it by bank
transfer, check, something else?

A We would -- you know, I'm not sure.
Sometimes people give us checks, sometimes they

1 KAREN ERICSON

2 does it go in one account?

3 A No, all goes into one account.

4 Q On this exhibit, it says here under
5 percentage commission, a bunch of percentages.

6 For example, on the first page, the first line
7 says percentage commission 12 percent, and on all
8 the other lines, it's 15th percent. Do you see
9 that?

10 A I believe 15 percent was a mistake
11 and it should be 12 percent, but I'm not sure.

12 Q Is it possible 12 percent was a
13 mistake and it should be 15 percent?

14 A No. I think it was 12 percent, but
15 I'm not entirely sure.

16 Q That means you get 12 percent of the
17 invoice amount?

18 A That's what we're supposed to get.

19 Q Why are you so sure it's 12 percent
20 not 15?

21 A I said I wasn't sure, but I believe
22 it's 12 percent, but I'm not sure.

23 Q Why?

24 A I'm not sure.

25 Q Why do you believe it's 12 percent?

1 KAREN ERICSON

2 default judgement being entered against Showroom
3 Seven?

4 A I never knew there was one.

5 Q Did you ever see a copy of the Third
6 Amended Complaint?

7 A No.

8 Q I'm going to show you a summons
9 April 2, 2008, and a Third Amended Complaint
10 dated April 1, 2008 and ask you if you have ever
11 seen that document that was served upon Electric
12 Wonderland Inc. via the Secretary of State, that
13 Electric Wonderland Inc. never answered, and that
14 Electric Wonderland Inc. is in default of, have
15 your seen those documents?

16 A I don't know.

17 Q Do you have anything to do with
18 Electric Wonderland?

19 A Electric Wonderland is just a
20 corporation.

21 Q Are you an officer of that
22 corporation?

23 A No.

24 Q Okay.

25 MR. BOSTANY: Let the record

1 KAREN ERICSON

2 reflect that the witness is leafing
3 through the Third Amended Complaint and
4 Summons.

5 Q Those are yours to keep, I'm not
6 taking them back, I'm not marking them. Your
7 attorney has already written to me several times
8 indicating he is aware that Electric Wonderland
9 Inc. is in default, and I don't know if he's
10 informed you, but now I have.

11 MR. BOSTANY: Let the record
12 reflect the witness is conferring with
13 her counsel and that's against the rules.
14 You must only do that during a break,
15 please.

16 Q If you had to estimate the amount of
17 profit, the aggregate amount of profit your
18 company made on the sales -- let me ask you
19 this -- withdrawn.

20 When these customers came into
21 your premises?

22 A Say again, sorry. When what
23 customers?

24 Q Withdrawn.

25 You testified earlier that the